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Sent: Tuesday, March 28, 2023 2:37 PM
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Cc: Hutzal, Amy@SCC; Small, Mary@SCC; Cooper, Megan@SCC; Bonham, Chuck@Wildlife; valerie.termini@wildlife.ca.gov; Crowfoot, Wade@CNRA
Subject: Two Sentence Ballona Wetlands "Updates"

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Dear Board Members,

After my email last week, Conservancy staff added a two sentence update regarding the \$1.69 million you authorized in May of 2021, followed by two sentences each relating to funds for tribal engagement and funds for community engagement, totalling \$500,000. Our stakeholder organization notes the following:

- Your staff continues to avoid any discussion regarding how the current proposal (the so called "Sequences 1 and 2 project") would or would not advance the very specific policy objectives that Board members discussed at length and expressly cited as rationale for the May 2021 authorization, such as resiliency to sea level rise and expanding equitable public access. *No access* was analyzed for South or Southeast Area B in the Final EIR certified over two years ago and you were told that the most immediate threat from sea level rise was to the existing endangered species habitat in *West Area B*. These discrepancies should be addressed, not swept under the rug.
- Your staff continues to keep the Board and the public in the dark about why the work clearly described in the May 27, 2021 staff recommendation as the "work to be funded with this authorization" and "the additional design and permitting work to be accomplished with the recommended grant" was discarded in favor of a new scope of work that has never been presented to you.
- Staff has provided no update to you or to the public as to the status of planning and permitting for the other 33 construction sequences, the 408 permit, or the federal environmental review document. Staff refuses to provide an updated timeline or budget for that planning work, which was estimated in 2004 to be three years and \$2 million, but which has *already* consumed roughly 19 years and \$15 million, with no end in sight. This is glaringly deficient oversight of public funds.
- Your staff asserted in the previous update from over six months ago that "Sequences 1 and 2 of the Project [] do not require a 408 permit", but this has *yet to be determined* by USACE, and USACE won't evaluate this question until it receives a completed permit, which your staff now asserts will be submitted by June. Bypassing a 408 permit was the primary reason for adopting a sequential permitting strategy (which Mary Small stated in 2012 wasn't feasible). Had you and the public been given the opportunity to provide feedback, that point could have been addressed before more time and money were sunk into this dead end process.
- While an informational staff report is included in the consent calendar to correct an error on a previous staff recommendation for Topanga Lagoon (also from May 2021), no such informational report has ever addressed the changed scope of work being funded by your May 2021 authorization.

- Further, *every* staff recommendation for the upcoming meeting and for every past meeting includes a resolution, often only one or two sentences in length, that merely *summarizes* the work for which funding is being authorized. The critical details which help inform Board members' policy decisions are included elsewhere in these staff recommendations. For instance, the proposed \$1.5 million grant to the Santa Clarita Valley Transportation Authority includes critically important conditions in the staff recommendation (e.g. testing of contaminant levels, termination of the grant if the "tunnel muck" is shown to be infeasible for wetland restoration purposes, etc.) that are not included in the resolution itself. By claiming that project funding conditions like these are meaningless, as your staff has, substantially undermines the ability of Board members and the public to assess the potential impact and benefit of the projects that are proposed for funding.

- Despite multiple Board members stressing the need for better public engagement, first when authorizing \$6.25 million in 2012 and then again when authorizing \$1.69 million in 2021 (and likely when \$1.5 million was authorized in 2007), there has not been a single meeting open to the general public to interactively discuss this new project scope, even as the project team plows forward with design and permitting.

- The proposed new delegation of authority to the Executive Officer would seem to allow Conservancy staff to permanently bypass the Governing Board (and thus any public process) in order to route even more public funding to this flailing project. Any new delegation to the Executive Officer to expend state and federal funding without Board authority should be limited to projects that are not controversial and which do not involve a budget overrun, unless that budget overrun has been identified to the Board as part of a previous authorization.

The Conservancy has demonstrated extremely poor transparency and accountability, has harmed its credibility, and is directly harming one of the most important ecosystems in Southern California. We are fully aware that Governor Newsom is driving the push to get some semblance of a ground-breaking project commenced prior to the end of his second term. We believe that various laws designed to protect the environment from this type of political excess will prevent construction of tidal channels in an area where they never formerly existed and that is currently full of the seasonal rains and wintering wildlife that have occurred here historically.

It remains your choice as to whether you speak up or remain silent on April 6th. As we approach the 20th anniversary of the public acquisition of this land, we will be documenting the actions and inactions that have prevented basic care throughout most of the ecological reserve where invasive weeds run rampant and pose a clear fire danger, and which have also kept most of the reserve inaccessible from the public, even where private groups have access.

Thank you for considering these comments.

Walter Lamb
Ballona Wetlands Land Trust